

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 30, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN LYNN CLOUD,

Defendant.

NO: 1:22-cr-02027-LRS-1

ORDER GRANTING DEFENDANT'S
MOTION TO WITHDRAW GUILTY
PLEA

A hearing on defendant's Motion to Withdraw Guilty Plea was held on September 30, 2022. ECF Nos. 36, 45, 46. Defendant was in the custody of the U.S. Marshal and was represented by attorney Nicholas Marchi. Assistant United States Attorney Matthew Stone represented the Government.

Based on the contents of the defendant's pro se filings and the allegations contained therein, the confusion between counsel and the defendant just before the change of plea on June 30, 2022, the different expectations of defendant and counsel regarding the intended outcome of the change of plea hearing, the court's

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PLEA - 1

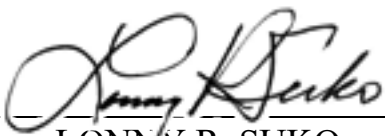
1 observations of the in-court dynamics between defendant and counsel at the change
2 of plea hearing, and the limited impact to the Government regarding trial of the case,
3 and as otherwise discussed on the record, the court found that under Federal Rule of
4 Criminal Procedure 11(d), “fair and just” reasons exist to grant the motion.

5 Accordingly, **IT IS ORDERED:**

- 6 1. Defendant’s motions to withdraw guilty plea, **ECF No. 36** and **ECF No.**
7 **45**, and defendant’s supplemental motion to withdraw guilty plea, **ECF No.**
8 **46**, are **GRANTED**.
- 9 2. The matter shall be reassigned to another judge and reset for trial.
- 10 3. Pursuant to 18 U.S.C. § 3161(h)(1)(G) and (H), the time between June 30,
11 2022, the change of plea date, and September 30, 2022, the date of this
12 Order, is DECLARED EXCLUDABLE for purposes of computing time
13 under the Speedy Trial Act. *See United States v. Solorzano-Rivera*, 368
14 F.3d 1073, 1077 (9th Cir. 2004).

15 The District Court Clerk is directed to enter this order and to provide copies to
16 counsel and U.S. Probation.

17 **DATED** September 30, 2022.

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19 _____
20 LONNY R. SUKO
21 Senior United States District Judge